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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/787,345

02/26/2004

Jeffrey M. Fries

11000060-0040

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7590

08/27/2009

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EXAMINER

TEU, BINH KIEN

ART UNIT

PAPER NUMBER

2614

MAIL DATE

DELIVERY MODE

08/27/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/787,345

**Applicant(s)**

FRIES ET AL.

**Examiner**

BINH K. TIEU

**Art Unit**

2614

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 21 April 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 8-25 is/are allowed.
- 6) ☒ Claim(s) 1, 2 and 7 is/are rejected.
- 7) ☐ Claim(s) 4-6 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/CDC)
- Paper No(s)/Mail Date \_\_\_\_\_

- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

2. Claims 1, 2, and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rakotoarivelo et al. (Pub. No.: US. 2003/0212685, ***as cited in the previous Office Action***) in view of Glaser et al. (US Pat. #: 5,875,242).

***Regarding claim 1***, Rakotoarivelo et al. ("Rakotoarivelo") teaches a computerized system for automatically updating the layout of a telecommunications network, the system comprising:

a maintenance entry component (i.e., user interface 15 as shown in figure 1) for receiving maintenance information (see paragraph [0045]); and

a structural database component that updates the physical layout database of the network to reflect equipment has been added or removed from the physical layout of the telecommunications network (see paragraphs [0052]).

It should be noticed that Rakotoarivelo fails to clearly teach a relational database and the report generator which were amended to the claim. However, Glaser et al. ("Glaser") teaches a telecommunications installation and management system, such as system 10 shown in figures 1 and 3. The system 10 comprises an internal database for storing information relating to physical layout of the telecommunications system, and other similar information such as information of any additional telecommunications subsystems 18, information to control the operation of a PBX switch(es), etc. (see col.15, lines 55-65). Glaser further teaches a summary form included extracted record or records associated with an extension telephone station of a PBX switch, and displays to a user (see col.19, lines 52-63; col.21, lines 11-26). Thus, Glaser teaches a relation data, such as the internal database of system 10, and a report generator for generating the summary form.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the use of the relational database and the report generator, as taught by Glaser, into view of Rakotoarivelo, in order to track and report the line usage information of telecommunications equipment.

Regarding claim 2, Glaser obviously further teaches limitations of the claims in figure 4, col.25, lines 38 through col.26, line 24).

Regarding claim 7, Glaser obviously further teaches limitations of the claim in col.16, lines 15-40.

***Allowable Subject Matter***

3. Claims 3-6, are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

4. Claims 8-25 are allowed.

5. The following is a statement of reasons for the indication of allowable subject matter:

By comparing the limitations recited in the independent claim 1 with the limitations of other independent claims 8, 15 and 21, the independent claim fails to recite the features of "extracting the line usage information from a relational database component to generate line usage reports including performance reports, blockage reports, and consecutive reports; and displaying the performance reports, blockage reports, and consecutive reports to one or more users based on criteria specified by a user".

***Response to Arguments***

6. Applicant's arguments with respect to claims 1-25 have been considered but are moot in view of the new ground(s) of rejection.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for response to this final action is set to expire THREE MONTHS from the date of this action. In the event a first response is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event will the statutory period for response expire later than SIX MONTHS from the date of this final action.

**Any response to this final action should be mailed to:**

**Box AF**

**Commissioner of Patents and Trademarks  
Washington, D.C. 20231**

**Or faxed to:**

**(703) 872-9314 or (571) 273-8300 (for formal communications;  
"EXPEDITED PROCEDURE")**

**please mark**

**Or:**

**If it is an informal or draft communication, please label  
"PROPOSED" or "DRAFT")**

**Hand Carry Deliveries to:**

**Customer Service Window  
(Randolph Building)  
401 Dulany Street  
Alexandria, VA 22314**

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Binh K. Tieu whose telephone number is (571) 272-7510 and E-mail address: [BINH.TIEU@USPTO.GOV](mailto:BINH.TIEU@USPTO.GOV).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Curtis Kuntz, can be reached on (571) 272-7499.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the FAIR system, see <http://pair-direct.uspto.gov>. If you have any questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

**/BINH K. TIEU/**  
Primary Examiner  
Technology Division 2614

Date: August 2009